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| 09/814,010 | 03/20/2001 | Patrick Thomas O'Connor | P668D1 | 7443 |
| 24739 7590 04/05/2007 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076 | | | EXAMINER NGUYEN, NGA B | |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/814,010
Filing Date: March 20, 2001
Appellant(s): O'CONNOR ET AL.

MAILED
APR 05 2007
GROUP 3600

Donald R. Boys (Reg. No. 35,074)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed September 13, 2005 appealing from the Office action mailed July 5, 2005.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The statement of the status of Amendments contained in the brief is correct.

(5) *Summary of Claimed Subject Matter*

The summary of invention contained in the brief is correct.

(6) *Grounds of Rejection to be Reviewed on Appeal*

The summary of the ground of rejection to be reviewed on appeal contained in the brief is correct.

(7) *Claim Appendix*

The copy of the appealed claims contained in the Appendix to the brief is correct. **(8)**

Evidence relied Upon

6,345,260

Cummings, Jr. et al.

02-2002.

(9) *Related Proceedings Appendix*

The statement of the related proceedings appendix contained in the brief is correct.

(10) *Grounds of Rejection*

The following ground of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over

DeLorme et al. (DeLorme hereinafter), U.S. Patent No. 5,948,040 in view of Cumming, Jr. et al.

(Cummings hereinafter), U.S. Patent No. 6,345,260 B1.

Regarding to claim 35, Delorme discloses an Internet-enabled appointment and reservation service system, comprising:

an Internet-connected appointment/reservation server executing first software (*e.g., see column 8, lines 1-3, "a TRIPS online facility" connected to a computer through the Internet.*);
and

one or more subscribing businesses to the service, the businesses each having an Internet-connected appliance executing second software (*e.g., see column 14, lines 19-32, "hosts of participating restaurants, hotels, retail shops..."*);

wherein the appointment server, through the first software, presents to browsing clients an interactive interface enabling the clients to select individual ones of the subscribing businesses, and once a subscribing business is selected displays to the selecting client an interactive appointment/reservation schedule to select an appointment or reservation with the business (*e.g., the Geographic Subsystems pictured at 221 in FIG.2, at 417 in FIG. 4 and the map display interface 152. Column 48, lines 5-19; e.g., see FIG. 5 and column 48, lines 47-50, "e.g. 'EAT', 'FUN', 'HOTEL', 'CAMP' and 'POLICE'"*).

DeLorme does not teach that wherein the appointment server updates the appointment/reservation schedule at the server for each business as browsing clients make appointments/reservations, wherein the appointment/reservation server periodically provides updated appointment schedules to the subscribing businesses which are displayed by the second software interactively, allowing the subscribing businesses to further update the appointment reservation schedules and to return them to the appointment/reservation server, which updated versions then becomes the interactive schedules displayed to browsing clients. However, DeLorme discloses that the users can add or alter appointments (*e.g., see column 52, lines 50-55 and column 55, lines 15-19*). Further, Cummings discloses wherein the appointment server updates the appointment/reservation schedule at the server for each business as browsing clients make appointments/reservations, wherein the appointment/reservation server periodically provides updated appointment schedules to the subscribing businesses which are displayed by the second software interactively, allowing the subscribing businesses to further update the appointment reservation schedules and to return them to the appointment/reservation server, which updated versions then becomes the interactive schedules displayed to browsing clients

(e.g., see column 8, lines 1-10, a client can schedule an appointment through the call center 11 (equivalent to the appointment/reservation server in the claim); while the client is on the line, call center 11 can log onto the Web from any Web browser; call center 11 includes server 15 permits access to online master schedule database 16, which contains and displays the appointment times and dates for all physicians on the system; master schedule database is periodically or continuously updated; column 8, lines 38-67, the tentative appointment is scheduled and the system automatically update master schedule database and hold the tentative appointments for delivery to the physician's office; the administrative staff log onto the system in the physician's office (equivalent to the subscribing businesses) via the Internet to receive and retrieve tentative appointments; thus, the call center 11 periodically provides updated appointment schedules to the system in the physician's office; column 9, lines 1-10, lines 60-67, for updating to the master schedule database 16, the physician's office employs Web browser and electronic calendar to log into the Web site that prompts notification agent 20 to transmit any changes that have occurred in the physician's schedule since the last update; thus, the physician's office, which is displayed by the second software interactively, allowing the physician's office to further update the appointment reservation schedules and to return them to the master schedule database 16 of the call center 11, which updated versions then becomes the interactive schedules displayed to browsing clients at the call center 11 as discussed above in column 8, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Delorme by adopting the teaching of Cummings above to better serve the customers while maximizing the profit by utilizing every available income source, i.e., available tickets for performances, flights or cultural events or tables for restaurants.

Claim 36 is written in method claim that contain similar limitations found in claim 35 above, therefore, is rejected by the same rationale.

(11) Response to Arguments

In response to the arguments, examiner submits that DeLorme does not teach that wherein the appointment server updates the appointment/reservation schedule at the server for each business as browsing clients make appointments/reservations, wherein the appointment/reservation server periodically provides updated appointment schedules to the subscribing businesses which are displayed by the second software interactively, allowing the subscribing businesses to further update the appointment reservation schedules and to return them to the appointment/reservation server, which updated versions then becomes the interactive schedules displayed to browsing clients. However, **Cummings discloses wherein the appointment server updates the appointment/reservation schedule at the server for each business as browsing clients make appointments/reservations, wherein the appointment/reservation server periodically provides updated appointment schedules to the subscribing businesses which are displayed by the second software interactively, allowing the subscribing businesses to further update the appointment reservation schedules and to return them to the appointment/reservation server, which updated versions then becomes the interactive schedules displayed to browsing clients. See Cummings, column 8, lines 1-10, a client can schedule an appointment through the call center 11 (equivalent to the appointment/reservation server in the claim), while the client is on the line,**

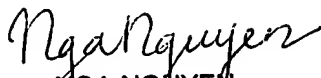
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call center 11 can log onto the Web from any Web browser. The call center 11 includes server 15 permits access to online master schedule database 16, which contains and displays the appointment times and dates for all physicians on the system, master schedule database is periodically or continuously updated. Also, see column 8, lines 38-67, the tentative appointments are scheduled and the system automatically updates master schedule database 16 and hold the tentative appointments for delivery to the physician's office, the administrative staff then logs onto the system in the physician's office (equivalent to the subscribing businesses) via the Internet to receive and retrieve tentative appointment. Thus, the call center 11 periodically provides updated appointment schedules to the system in the physician's office. Moreover, see column 9, lines 1-10 and lines 60-67, for updating to the master schedule database 16, the physician's office employs Web browser and electronic calendar to log into the Web site that prompts notification agent 20 to transmit any changes that have occurred in the physician's schedule since the last update. Thus, the physician's office, which is displayed by the second software interactively (Web browser and electronic calendar), allowing the physician's office to further updates the appointment reservation schedules and to return them to the master schedule database 16 of the call center 11, which updated versions then becomes the interactive schedules displayed to browsing clients at the call center 11 as discussed above in column 8, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art to modify the system of Delorme by adopting the teaching of Cummings above to better serve the customers while maximizing the profit by utilizing every available income source, i.e., available tickets for performances, flights or cultural events or tables for restaurants.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Nga Nguyen


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